

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN COOK,

Plaintiff,

v.

LAND O'LAKES, INC.,

Defendant.

No. 1:20-cv-00553-NONE-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S MOTION FOR LEAVE TO  
FILE A FIRST AMENDED COMPLAINT

(Doc. Nos. 7, 11)

John Cook ("plaintiff"), individually and on behalf of all others similarly situated, filed this action in the Tulare County Superior Court on March 6, 2020, alleging wage and hour violations under state law. On April 17, 2020, Land O'Lakes, Inc. ("defendant") removed the matter to this federal court. (Doc. No. 1.) On August 24, 2020, plaintiff filed a motion for leave to file a first amended complaint (Doc. No. 7), which was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 21, 2020, the magistrate judge issued findings and recommendations recommending that the motion be denied without prejudice on the ground that the proposed amendment would be futile. (Doc. No. 11.) The findings and recommendations were served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days from the date of service. The period for filing objections has passed and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the  
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations, filed September 21, 2020, (Doc. No. 11), are  
6 ADOPTED IN FULL; and
- 7 2. Plaintiff's motion for leave to file a first amended complaint (Doc. No. 7) is  
8 DENIED WITHOUT PREJUDICE on the ground of futility.

9 IT IS SO ORDERED.

10 Dated: October 8, 2020

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UNITED STATES DISTRICT JUDGE